

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ and KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated*,

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

On October 5, 2011, the court issued a Memorandum and Order stating its intention to impose a Partial Judgment and Remedial Order Respecting Firefighter Recruitment, Equal Employment Opportunity, and Post-Testing Procedures and to appoint a Court Monitor. (Docket Entry # 743.) The court asked the parties to jointly or separately suggest three or more names of individuals who they believed would be suitable in carrying out the role of Court Monitor, as

**ORDER APPOINTING
MONITOR**

07-CV-2067 (NGG) (RLM)

outlined in the court's Draft Remedial Order. (Id. at 29-30; see also Draft Remedial Order (Docket Entry # 743-1).)

Over the past several weeks, the court has undertaken a lengthy process of evaluating potential court monitors. The court has interviewed twelve highly qualified individuals and groups interested in serving in this role. Among those interviewed were candidates proposed by each of the parties as well as candidates not suggested by any party. The court asked the parties to provide written feedback, stating whether they objected to, consented to, or endorsed each candidate and providing detailed reasons for their positions. Despite the court's best efforts and the impressive qualifications of this truly exceptional group of applicants, the parties were not able to agree on any one candidate.

Having given serious consideration to all of the applicants and to the parties' positions, the court selects Mark S. Cohen to serve as the Court Monitor. Mark S. Cohen is a named partner in Cohen & Gresser LLP. Since co-founding the firm in 2002, Mr. Cohen has headed the firm's Litigation & Arbitration and White Collar Defense, Regulatory Enforcement and Internal Investigations groups. He received his B.A. from Cornell University and is a magna cum laude graduate of the University of Michigan Law School, where he was an editor of the Michigan Law Review. Mr. Cohen has served previously as an Assistant United States Attorney for the Eastern District of New York in the Criminal Division. He currently maintains an active private practice, handling both civil and criminal matters. The City and the United States do not object to Mr. Cohen's monitorship candidacy.

The court's Partial Judgment and Remedial Order is forthcoming. Mr. Cohen and the City are instructed to discuss the terms of compensation and out-of-pocket expenses for the Court Monitor, his staff, and any consultants that will be necessary to fulfill his obligations under

that Order. Mr. Cohen is directed to submit the proposed terms of compensation to the court for consideration within 15 days hereof.

SO ORDERED.

Dated: Brooklyn, New York
November 9, 2011

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge